

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 09-44335

SABRINA DANIELS, *pro se*,

Chapter 7

Debtor(s).

Judge Thomas J. Tucker

**ORDER DENYING DEBTOR'S "APPLICATION FOR WAIVER OF THE
CHAPTER 7 FILING FEE FOR INDIVIDUALS WHO CANNOT
PAY THE FILING FEE IN FULL OR IN INSTALLMENTS"**

This case is before the Court on the Debtor's "Application For Waiver of the Chapter 7 Filing Fee for Individuals Who Cannot Pay the Filing Fee In Full Or In Installments," filed February 18, 2009 (Docket # 7). The Court cannot grant this Application. It appears from Debtor's Schedule I (Docket # 1) that Debtor had a garnishment of \$407.00 per month that was deducted from her pay (Line 4-d of Schedule I). That garnishment should have ceased upon the filing of this bankruptcy case, due to the automatic stay. Adding that \$407.00 per month to the Debtor's "combined average monthly income" (Line 16 of Schedule I), yields a revised income amount of \$1,564.00 per month.

Given, this, the Court cannot grant this Application, because the information that Debtor provided on the Application regarding Debtor's dependents is inconsistent with the information Debtor provided on Schedule I. Debtor's Schedule I states that Debtor is single with no dependents. The Court finds that Debtor's revised monthly income on Schedule I *exceeds* the amount that is 150 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved (*i.e.*, Debtor has a family of one and her monthly income exceeds \$1,353.75.) For this reason, the Court may not waive the filing fee under 28 U.S.C. § 1930(f)(1). Therefore,

Accordingly,

IT IS ORDERED that Debtor's "Application For Waiver of the Chapter 7 Filing Fee for Individuals Who Cannot Pay the Filing Fee In Full Or In Installments" (Docket # 7) is DENIED.

IT IS FURTHER ORDERED that the filing fee must be paid in installments by the following dates:

1st installment:	March 6, 2009
2nd installment:	April 6, 2009
final installment:	May 6, 2009

Signed on February 20, 2009

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge